

**REMARKS****I. Status of the Claims:**

Claims 18-47 are pending in the application.

By this Amendment, claims 18, 22, 38-47 have been amended. No new matter has been introduced by this Amendment.

Upon entry of this Amendment, claims 18-47 would be pending.

**II. Rejection under Section 101:**

Claims 18-27 and 38-47 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

To address this rejection, Applicant has amended independent claims 18, 22, 38 and 42. Specifically, claims 18 and 22 have been amended to replace the language “adapted to” with --for-- in general. Claims 38 and 42 have been amended to reflect that the “computer readable medium” is “tangible”, and is part of the body of the claim and not the preamble. For the purpose of uniformity, Applicant also has amended dependent claims 39-41 and 43-47 which depend from these independent claims. Reconsideration and withdrawal of these rejections are respectfully requested.

**III. Rejections Under 35 U.S.C. §102:**

Claims 18-47 have been rejected under 35 U.S.C. §102(e) as being anticipated by Gordon et al. (U.S. Patent No. 5,459,584, hereinafter “Gordon”). Applicant respectfully traverses the above rejections for the following reasons.

**1. Claims 18, 28 and 38**

Claim 18 is directed to an arrangement including a determining unit for determining whether a predetermined time has been reached or not. Further, the transmission unit, in the first mode, transmits one by one information representing the notification results corresponding to each of receivers by the notification unit regardless of a determination by the determining unit, and in the second mode, transmits collectively the information representing the notification results for the receivers by the notification unit at the time when the determining unit determines that the predetermined time has been reached.

As claimed, the first and second modes refer to different ways of transmitting information representing the notification results corresponding to each of the plural receivers to which a particular data has been designated to.

As previously argued, Gordon does not disclose or suggest the first mode involving transmission one by one (versus collectively) of information representing the notification results corresponding to each of receivers. The Examiner alleges that the above feature is taught in Gordon by the following passage:

It should also be noted that the originator has the option of dialing the Service Number at any time and inquiring about the status of a given message. Here again, the voice response system prompts, presents menus, and uses the Message Code to locate and report on the current location and condition of the message. A written record can be directed to the originating or destination fax machine, if desired. '584/10:27-34; see Office Action, page 3.

The above passage, however, simply describes a user dialing into a voice response system to obtain a voice response or to initiate sending of a written record concerning the status of a particular message. There is nothing specifically in the cited passage that describes "what" or "how" status information is actually provided by voice response to the originator side (e.g. one-by-one versus collectively) for a message designated to a plurality of receivers. Furthermore, as

to the written record that can be sent, this operation appears to refer to the same type of report that is relied upon by the Examiner to read on “collective information” of the claimed second mode. See ‘584/10:10-16 (“upon request by an originator”). As such, Gordon is silent as to transmission “one by one” in the claimed first mode.

In the current Office Action, the Examiner, however, appears to allege that the ability to request status of a particular message, e.g., by message code, in Gordon teaches the claimed first mode. See Office Action, page 8, para 20. However, this simply shows that status information may be requested by the originator through a voice response system for a particular message. This aspect of Gordon as relied upon by the Examiner is still silent as to how the status information is to be transmitted to the originator where the message designates a plurality of receivers, e.g., collectively for the intended receivers of a particular message or one-by-one as to each of the intended receivers of a particular message. As noted above, in claim 18, the first and second modes deal with transmission of notification results associated with data designated for plural receivers. Thus, Gordon is still silent at least as to transmission “one by one” in the claimed first mode.

Accordingly, claim 18 and its dependent claims are distinguishable over the cited references, individually or in combination. For similar reasons, claims 28 and 38 and their dependent claims are believed to be distinguishable over the cited references, individually or in combination.

**2. Claims 22, 32 and 42**

Claim 22 is directed to an arrangement in which: (1) a setting unit sets whether the transmission of the information representing the notification result by the transmission unit based on an instruction by the data processing apparatus side is to be permitted or not, (2) a setting result by the setting unit is notified to the transmission side, and (3) the transmission unit does not transmit the information representing the notification result until the reception unit receives a request from the transmission side from which the data received by the reception unit was transmitted in a case where the setting unit sets the transmission is not to be permitted, and transmits the information representing the notification result even without the request from the transmission side in a case where the setting unit sets the transmission is to be permitted.

In other words, it is set whether or not to permit the transmission of the information representing the notification result based on the instruction from the own side. The information is not transmitted until the request from the transmission side is received when the setting result is notified to the transmission side and it is set not to permit the transmission, and the information is transmitted even if there is no request from the transmission side when it is set to permit the transmission. The request for information and the setting or notification of the setting to permit or not permit transmission are two different operations.

On the Contrary, Gordon, as relied upon by the Examiner, shows (1) a manual approach in which a user dials into a voice response system to obtain a voice response or to initiate sending of a written record concerning the status of a particular message (as described above) and (2) an automatic approach in which the SAFF automatically sends a message status report. Gordon clearly does not disclose any setting feature to set whether transmission of the information representing the notification result is to be permitted or not.

The Examiner now alleges that “the provision to dial a request for a notification is functionally the same as the claimed invention, described by Applicant to not transmit a notification ‘until the request from the transmission side is received’”. Applicant respectfully disagrees. First, the Examiner’s above noted allegation omits other relevant language in claim: “in a case where said setting unit sets the transmission is not to be permitted.” Second, in Gordon, the manual and automatic approaches appear to be independent of each other. Thus, irrespective of whether a dial-in request is made, the Gordon SAFF system still automatically sends a message status report. Thus, in Gordon, the information does not limit transmission of information representing the notification results until the reception unit receives a request from the transmission side . . . in a case where the setting unit sets the transmission is not to be permitted. Thus, Gordon does not disclose the claimed setting feature and the claimed transmission operations depending on the setting.

Furthermore, the Examiner may not ignore the language of the claims. Claim 22 makes clear that the request for information is different than the setting or notification of the setting to permit or not permit transmission of information. For example, claim 22 states, in part:

wherein said transmission unit does not transmit the information representing the notification result until said reception unit receives **a request** from the transmission side from which the data received by said reception unit was transmitted **in a case where said setting unit sets the transmission is not to be permitted**, and transmits the information representing the notification result even without the request from the transmission side in a case where **said setting unit sets the transmission is to be permitted**.

The Examiner does not distinguish between the request and the setting feature as claimed and is thus improperly reading elements out of the claim. The Office Action still does not address with

reasonable particularity these claimed features particularly the request and the setting unit, its operation and this feature and how they are taught by Gordon. See Office Action, pages 5-6 and 8-9.

Accordingly, claim 22 and its dependent claims are distinguishable over the cited references, individually or in combination. For similar reasons, claims 32 and 42 and their dependent claims are distinguishable over the cited references, individually or in combination.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

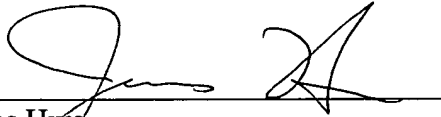
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4303US2.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4303US2.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: 10/11/05

By:

  
James Hwa  
Registration No. 42,680  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101